

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**ADVOTIS GENERAL TRADING, LLC,**

Petitioner,

**HONORABLE DENISE PAGE HOOD**

v.

**No. 21-mc-50963**

**UNITED STATES OF AMERICA,**

Respondent.

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**PERFECT FRAME, LLC,**

Petitioner,

**No. 21-mc-51029**

v.

**UNITED STATES OF AMERICA,**

Respondent.

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**CAMARO IMPEX GENERAL TRADING, LLC,**

Petitioner,

**No. 21-mc-51162**

v.

**UNITED STATES OF AMERICA,**

Respondent.

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**CAPRICORN GOODS WHOLESALERS, LLC**

Petitioner,

**No. 21-mc-51128**

v.

**UNITED STATES OF AMERICA,**

Respondent.

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/

**MOTION TO REQUEST REMISSION OF SEIZED FUNDS  
AND MOTION TO STRIKE RESPONSE**

**MOTION TO REQUEST REMISSION OF SEIZED FUNDS  
AND MOTION TO STRIKE RESPONSE**

**Wednesday, October 6, 2021**

Appearances:

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On behalf of Petitioners

Gjon Juncaj  
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On behalf of Respondents

- - -

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E X H I B I T S

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\*\*\*None Marked, Offered or Received\*\*\*

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1 Detroit, Michigan

2 Wednesday, October 6, 2021

3 2:27 p.m.

4 - - -

5 (Call to Order of the Court.)

6 **THE CLERK:** The Court calls Case Numbers Advotis  
7 General Trading, LLC, 21-mc-50963; Perfect Frame, 21-mc-51029;  
8 Camaro Impex General Trading, Case Number 21-mc-51162; and  
9 Capricorn Goods Wholesaler, LLC, 21-mc-51128.

10 Appearances for the record, please.

11 **MR. JUNCAJ:** Good afternoon, Your Honor. Gjon Juncaj  
12 and Michael El-Zein for the United States.

13 **THE COURT:** I'm sorry, tell me that again, please.

14 **MR. JUNCAJ:** John Juncaj and Michael El-Zein for the  
15 United States.

16 **THE COURT:** Okay. Good afternoon to you.

17 **MS. CASTANEDA:** Good afternoon, Your Honor.  
18 Rebecca Castaneda for the petitioners, for Perfect Frame,  
19 Advotis General, Camaro Impex and Capricorn Goods.

20 **THE COURT:** Okay. And you with you at counsel table  
21 is?

22 **MS. CASTANEDA:** Robert Liberto. He's my  
23 investigator.

24 **THE CLERK:** You may be seated.

25 **THE COURT:** How do you spell his last name?

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1                   **MR. LIBERTO:** L-i-b-e-r-t-o.

2                   **THE COURT:** Okay. Thank you.

3                 All right. Good afternoon to all of you. We're here on  
4 motions to -- by the petitioner for remission of seized funds  
5 and a motion to strike the Government's response, and the  
6 motion for remission of seized funds is I think in all of the  
7 cases and in two of them a motion to strike the response. Is  
8 that correct?

9                   **MS. CASTANEDA:** Yes, Your Honor.

10                  **THE COURT:** And, let's see, you all told me that  
11 one of the cases is not set for hearing today but you're  
12 prepared to proceed on it; is that right?

13                  **MR. JUNCAJ:** That is correct, Your Honor.

14                  **THE COURT:** Is that the Cameron case? Which one is  
15 that?

16                  **MS. CASTANEDA:** It was Capricorn Goods, Your Honor.

17                  **THE COURT:** Okay. Very well. I'm ready to proceed.

18                  **MS. CASTANEDA:** Your Honor, we have four separate  
19 petitions. Should I address each one at a time or how does the  
20 Court prefer for me to present argument?

21                  **THE COURT:** Well, they have some of the same  
22 arguments and so I would say all of the arguments that are the  
23 same address them at once, and any arguments that you think are  
24 particular to one address those all at the end.

25                  **MS. CASTANEDA:** Okay.

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1                   **THE COURT:** Is that agreeable to the Government?

2                   **MR. JUNCAJ:** Yes, Your Honor. And also one other  
3 housekeeping matter. Does the Court want us to present seated  
4 or standing at the lectern?

5                   **THE COURT:** Well, I have been letting people because  
6 of social distancing and because we don't have Plexiglas in  
7 this particular courtroom -- you do need to leave your mask on  
8 and talk loudly. You may talk into your mic at your seat or  
9 you can come to the podium and speak into the microphone there,  
10 if you would, where everyone can hear you much better, but it's  
11 up to you relative to your own regard for personal safety.

12                  **MR. JUNCAJ:** Thank you, Your Honor.

13                  **THE COURT:** Okay. I want to just make a note because  
14 I had gone through your pleadings and read on Page 3, I think,  
15 of ECF Number 4 that the application for unsealing certain  
16 portions of the prior filed items had not been signed by the  
17 Court, and it was signed on August 26, which was after your  
18 filing, but, you know, it was filed under seal because it asked  
19 that sealed things be continued to be sealed. Are you aware of  
20 that?

21                  **MR. JUNCAJ:** Your Honor, the last I checked -- and to  
22 be clear for the record you are referring to a related civil  
23 case, not a case that's squarely before the Court for hearing  
24 today?

25                  **THE COURT:** No, no, it's a related case. I'm sorry,

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1 I should have made that clear.

2           **MR. JUNCAJ:** Thank you, Your Honor. The last I  
3 recall the request to seal portions of that docket, which is  
4 21-CV-10928, was approved, I thought it was approved under  
5 seal, and you are correct, Your Honor, in that we asked that  
6 certain things be unsealed meaning --

7           **THE COURT:** So the whole order though that was  
8 presented did both unsealing and remain sealed items so it got  
9 filed under seal and there isn't anything on the docket to show  
10 what it is unsealed in that underlying case, just so you know.

11           **MR. JUNCAJ:** Okay.

12           **THE COURT:** It's on the sealed docket so you might  
13 want to do something about that.

14           **MR. JUNCAJ:** We will revisit that, Your Honor.

15           **THE COURT:** Make a separate order for those things  
16 being unsealed just for the record.

17           **MR. JUNCAJ:** Thank you, Your Honor.

18           **THE COURT:** Okay. So let's proceed.

19           **MS. CASTANEDA:** Thank you, Your Honor. May it please  
20 the Court, before you are four separate Rule 41(d) petitions  
21 that have been filed related to numerous wires that have been  
22 seized by the United States Government. The first wire --

23           **THE COURT:** Okay. One second. Can the people in the  
24 audience hear? Yes? Okay, good. Just keep your voice up, and  
25 maybe -- isn't there a microphone at that table? But I know

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1 it's down, but just speak toward it.

2           **MS. CASTANEDA:** Yes, Your Honor. Approximately  
3 327 days ago the United States Government began seizing money  
4 from the four petitioners before the Court as well as a handful  
5 of others that I don't represent. The first wire was \$30,540,  
6 and over the course of the next five to six months numerous  
7 other wires were seized.

8           Beginning with Advotis, their wires were routed and had  
9 intermediary banks in the United States, in the states of  
10 New York and one wire in the state of North Carolina, that were  
11 routed from Dubai through an intermediary bank on to a non-U.S.  
12 location. This ranges from India, Thailand, Germany, Denmark,  
13 Turkey. Mostly, if not all, were non-U.S.-based wires.

14           These began to be seized. We are not certain how or why  
15 they were seized. Once these were seized, Advotis, as well as  
16 every other petitioner in this case that I represent, contacted  
17 the United States Government, either Special Agent  
18 Derrick Newsome [sp] or the AUSA for this case, asking why.  
19 They received minimal information.

20           Some of these wires never were even provided as a notice  
21 of seizure by the bank. So the bank in some of these said,  
22 hey, to the petitioner, your money was seized, and here's a  
23 SWIFT message that tells you what to do next. A very large  
24 portion of these had nothing at all, and we still don't know to  
25 this date whether those were actually seized by the

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1 United States Government.

2 When they received contact information for the  
3 United States Government as to who to contact to ask about  
4 this, an exchange of emails began with questions from the  
5 United States Government asking whether petitioners knew a  
6 separate company that does not appear to be a part of this case  
7 in general, and the purposes of the wire, the amount and dates.  
8 Some information was provided in the form of invoices.

9 These four petitioners import and export goods and ship  
10 them around the world, as is demonstrated by the exhibits, the  
11 final locations, various amounts, various countries. They  
12 asked why the money was frozen or seized. They were told by  
13 the United States Government an asset forfeiture proceeding  
14 would be initiated, they would receive notice, and that was the  
15 extent of that.

16 They retained counsel, Dawn Mead. She is counsel. She's  
17 in Texas. She's not a party -- she's not an attorney of  
18 record -- noticed as an attorney of record, Your Honor, but she  
19 is counsel on this matter with me. She contacted the  
20 United States Government, asked questions, was told there's  
21 likely to be a criminal indictment coming down in December, we  
22 would know more then.

23 That seemed suspicious to me given the circumstances. I  
24 was retained. I reached out to the United States Government  
25 and was essentially told the same thing, that it was sealed.

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1 There was no question as to whether this would be returned.  
2 There was no negotiations. It was not until we filed the  
3 Rule 41(g) petitions with this Court before we could get any  
4 sort of formal response and any sort of due process as to these  
5 numerous wires.

6 It's approximately \$3.5 million that has been seized. I  
7 think we have over 60 wires from various countries and various  
8 banks.

9 So we filed our petition exhibiting everything that we  
10 could show to the Court that this was improper. As far as we  
11 know, up until about 20 minutes ago when I was provided with  
12 service, civil asset forfeiture proceedings had not been  
13 initiated. I believe it was August 24, the date of the first  
14 reply of the first petition, did the Government finally do  
15 something and provide notice in some way and filed a response  
16 to our petition as well as apparently a motion to unseal a  
17 related civil asset forfeiture case.

18 We are still not a party to that. I was just served about  
19 20 minutes ago with a petition for four. I have no idea what's  
20 in it. That document doesn't show much of anything. I don't  
21 see warrants predating the seizure. I don't see a Court order  
22 predating the seizure. In one communication to Attorney Mead  
23 from the United States it says that this was a federally  
24 authorized seizure, not an order. So under 41(g) that is the  
25 proper procedure for this Court to hear this matter.

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1           It wasn't until the last two weeks did the court -- did  
2 the United States appear to finally file something that  
3 resembles due process in terms of seizing these funds. It's  
4 been 327 days, Your Honor, since the first wire was seized on  
5 11\13\2020 from Capricorn Goods was the first wire seized, and  
6 then they go from December to about the middle of January and  
7 then they pick up again.

8           I have no way of knowing based upon what is before me the  
9 basis for this. I have been made aware of the civil case  
10 recently. I believe the warrant was filed yesterday. I find  
11 all of this timing incredibly suspicious.

12          I find the United States Government's opposition basically  
13 stating constitutional rights don't apply to our argument  
14 legally and ethically objectionable, and, thereafter, in two of  
15 the cases I filed motions to strike because the Government  
16 raises several procedural arguments that are irrelevant and  
17 improper and not required in a 41(g) petition.

18          One of them is a heightened requirement that the Sixth  
19 Circuit has explicitly overruled in an issue of first  
20 impression. That is cited in our brief. It appears to me that  
21 the United States is attempting to back-door or build up some  
22 sort of case after failing to follow due process.

23          We object to venue. I am not certain why I'm standing in  
24 a Michigan Court. I'm happy to come here, but I'm not certain  
25 why I am in this particular courtroom. I believe venue is not

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1 proper here. I'm not certain as to why --

2           **THE COURT:** When you say "not proper here," you mean  
3 in this district?

4           **MS. CASTANEDA:** In this district, yes, Your Honor.

5 We're in the Eastern District of Michigan, and these bank wires  
6 were all seized in New York and North Carolina. And I can see  
7 how -- one potentially bank wire in North Carolina and  
8 99 percent of the others in New York, I can see an argue being  
9 made that New York is proper. I have no idea why I am standing  
10 in Michigan.

11           I don't understand it, and we have had two attorneys  
12 attempt to get more information, and the Government essentially  
13 told us wait until December when we'll have a criminal  
14 indictment, which in and of itself raises questions regarding  
15 the Fifth Amendment, where a special agent of the United States  
16 Government is questioning somebody about what is going on,  
17 where is this wire coming from, knowing that this could  
18 potentially be a criminal investigation.

19           The petitioners are located outside the United States in  
20 Dubai. The bank wires that were seized are outside of the  
21 State of Michigan. We have attempted to get as much  
22 information as possible, and it is really out of necessity that  
23 the 41(g) has come before you, and it is appropriate for the  
24 Court to decide that petition separate from any civil asset  
25 forfeiture proceedings that have just apparently now been

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1 initiated because at the time of this filing up until  
2 20 minutes ago, Your Honor, there was no actual civil asset  
3 forfeiture proceeding, and the rules that apply -- the Civil  
4 Rules of Procedure that apply to that proceeding have not been  
5 followed. There has been no notice, and that is the reason for  
6 our petitions and for the two motions to strike, Your Honor.

7           **THE COURT:** Okay. Thank you. Do you wish to  
8 respond?

9           **MR. JUNCAJ:** Your Honor, if I may, I'll approach the  
10 lectern --

11           **THE COURT:** Okay.

12           **MR. JUNCAJ:** -- and speak from there.

13           **THE COURT:** That's fine.

14           **MR. JUNCAJ:** Thank you.

15           May it please the Court. Your Honor, I think it's  
16 important for the Court to take a step back and look at the  
17 actual facts procedurally before it to include matters that  
18 were filed with this court and the Court is well aware of.

19           Ms. Castaneda paints a picture of the United States  
20 conjuring up a civil forfeiture proceeding at the last minute  
21 because it needs to respond to a Rule 41(g) motion on behalf of  
22 four petitioners who appear before this Court, Your Honor,  
23 through no declaration to establish who they are outside of the  
24 words of Ms. Castaneda, their attorney, that they have all  
25 hired in the United States.

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1           But proceedings before the Court are a criminal  
2 investigation that led to a duly-authorized seizure warrant  
3 that was approved in December of 2020, and as the Court is well  
4 aware, a seizure warrant requires the affidavit in support of  
5 an agent's written testimony laying out the probable cause  
6 authorizing this court in the Eastern District of Michigan to  
7 seize the wires that it seized at the end of December through  
8 early January.

9           Subsequent to that time, Your Honor, there was a complaint  
10 for forfeiture filed under seal, and that was in April of 2021.  
11 Subsequent to that, Your Honor -- shortly thereafter, I should  
12 say, in May the United States, continuing its criminal  
13 investigation, sought a second seizure warrant and established  
14 through an affidavit of an agent that there was probable cause,  
15 as required by the Constitution of the United States, that  
16 there was probable cause to seize the wire funds that were  
17 seized traversing into the United States.

18           Now, I do find it remarkable, Your Honor, that what's  
19 being posited to the Court here is that we had no idea that  
20 this case was happening, this sealed civil case, that there was  
21 a civil forfeiture case, that it's a surprise, that it popped  
22 out of a box 20 minutes ago, when in fact, Your Honor -- and we  
23 felt so strongly about this that, unlike the petitions and  
24 pleadings that are filed by Advotis and the other general  
25 trading companies, there is no declaration in support -- I felt

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1 strongly enough, Your Honor, to submit my own declaration in  
2 response to sort of a hide-the-ball argument or a  
3 head-in-the-sand argument that was put forth in Advotis'  
4 pleading, which is, Your Honor, we have searched far and wide  
5 for, quote-unquote, unsealed civil complaints as if to portray  
6 to this Court that there is nothing out there without  
7 disclosing that Ms. Castaneda, when she called me and spoke to  
8 me on one occasion regarding Advotis, that I disclosed to her  
9 the pendency of a sealed case, civil case.

10 I provided her with the docket number, as this Court  
11 authorized us to do at that time, and the pleadings that this  
12 Court is now reviewing, in that initial pleading -- and I  
13 encourage the Court to look at it -- is that we looked  
14 everywhere and there was no due process, we don't know what's  
15 going on, as repeated here to Your Honor a short time ago.  
16 That was in June of 2021.

17 Subsequent to that, Your Honor, there was an amended  
18 complaint for forfeiture filed under seal, and that amended  
19 complaint was ultimately unsealed a short time thereafter at  
20 the end of August, and what the Government did is it  
21 consolidated the first seizures with the second seizures and  
22 recently a second-amended complaint was filed, which the  
23 Government served, as Ms. Castaneda indicated, served on  
24 counsel for Advotis and the other general trading companies, as  
25 is authorized under Supplemental Rule G, the rules that govern

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1 civil forfeiture proceedings. That service can be accomplished  
2 on the attorney representing potential parties.

3 Now, if the Court wants to know what is going on in the  
4 background, I would encourage you to look at that pleading that  
5 was filed, the second-amended complaint. That, too, was  
6 verified under penalty of the perjury by an agent. And, if  
7 Ms. Castaneda had reviewed that previously -- again, it's been  
8 unsealed for some time. She was aware of the docket number for  
9 some time. It's her choice not to review it. But, what you'll  
10 find is that there are allegations of an underlying criminal  
11 investigation alleging that there is a conspiracy by actors  
12 located outside of the United States to what we call a shadow  
13 exchange, which Ms. Castaneda's clients, we allege, are a part  
14 of, to internationally launder U.S. Dollars and to violate U.S.  
15 law by violating 18 U.S.C. 1960, which is illegal money  
16 transmitting to and through the United States.

17 On those allegations I would note, Your Honor, that one of  
18 the parties before you here today, Perfect Frame -- it is true  
19 that these targeted entities reached out to the United States  
20 because the United States advised the banks that if, if there  
21 is a contact from parties that are affected to please provide  
22 contact information of these specific individuals of the  
23 United States so they would have someone to talk to.

24 I would note, Your Honor, that the warrant was served on  
25 the U.S. banks that were handling the wire transfers, and,

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1 although the Government's primary position in this case, and  
2 I'll get to that, is that it feels that Perfect Frame and the  
3 entities before this Court absolutely should have their day in  
4 court, we welcome the arguments that were raised, but this is  
5 not the proper venue to do that.

6 But, leaving that aside for a moment, I will note that, to  
7 the extent that there's an allegation that they should have  
8 been served with the actual warrant, which is still under seal,  
9 by the way, because there is still a pending investigation,  
10 Rule 41(f)(1)(C) requires nothing of the sort. All that it  
11 requires is that it serve the entity holding the property,  
12 which the Government did, in this case the banks. There was no  
13 support in the pleadings filed with the court by the  
14 petitioners that require a different result.

15 There is a case I'd like to draw to the Court's attention.  
16 It's in the Eastern District of New York, but the citation is  
17 108 F.Supp 3d 59, and at Pages 83 through 84, Your Honor --  
18 it's a 2015 case -- it talks about an analogous situation where  
19 in that case law enforcement served a search warrant on a  
20 Fed Ex parcel being held at the Fed Ex facility, and the  
21 challenge that was raised was the person that sent that Fed Ex  
22 parcel should have received a copy of the warrant, and the  
23 Court held that there's no requirement for that. There's no  
24 violation if that's not done. The rule simply requires that it  
25 be served at the facility or at the place that the item was

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1 seized from.

2        Likewise, in this case, Your Honor, Advotis and the other  
3 general trading companies before this Court, they ship their  
4 money off from Dubai, and it essentially went into a Fed Ex  
5 package but in electronic means, and made its way to the  
6 United States and we seized it in the United States.

7        That's all I'll say with regard to the due process  
8 allegations, Your Honor, and, again, we welcome those  
9 arguments, but what Advotis and Perfect Frame and Camaro as  
10 well as Capricorn are requesting is that they not -- even  
11 though there is a pending civil forfeiture case, that all of  
12 the other potential claims we are going to have to litigate  
13 through, through which they do have to file within the rules,  
14 Supplemental Rule G, a claim under -- verified under penalty of  
15 perjury, which you don't see at all in the pleadings currently  
16 before the Court, all other claimants will have to follow that  
17 course under the law, but the parties that hired an attorney  
18 already and in the face of an existing process, which is an  
19 adequate remedy under the law, as the *Shaw* case clearly holds  
20 in the Sixth Circuit, when there's a pending civil forfeiture  
21 case, you have to litigate your arguments there.

22       What they are looking for is an exception. It appears  
23 they don't want to submit that declaration under penalty of  
24 perjury, and to the Government that's no surprise because if  
25 you look at the related civil case you will see that Perfect

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1 Frame when it reached out to, as alleged and it appears that  
2 they concede, Perfect Frame reached out to the United States in  
3 an attempt to show, hey, this is a legitimate transaction  
4 submitted to an agent a false invoice that it was verified as  
5 being false when it was compared to the United States company  
6 that they purported to be dealing with.

7 And make no mistake, Your Honor, the procedural  
8 protections that are laid out in a civil proceeding are very  
9 robust, but it does require that the rules be followed. There  
10 has to be a claim made, and, as the Court cited -- as the  
11 Government cited in its briefs, to weed out any potential  
12 fraudulent claims. It has to be under penalty of perjury. It  
13 has to be by an authorized representative of the corporation,  
14 not an attorney that's present in the United States. That  
15 applies to U.S. citizen companies, U.S. citizens, and it  
16 certainly should apply to companies located over seas.

17 Your Honor, there is another case cited in the briefs but  
18 not for the reasons I'm going to advise the Court of now, but  
19 it's another Sixth Circuit case which, like *Shaw*, holds that  
20 when there is a civil forfeiture case pending or a traditional  
21 forfeiture procedure pending 41(g) motions must be dismissed  
22 because those are remedies under equity.

23 In the Sixth Circuit's decision in *Brown*, 692 F.3d 550,  
24 Your Honor, there is an analogous situation there where the  
25 mother of a defendant in a criminal case sought to retrieve

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1 some cash or assets that were seized from a defendant. In that  
2 case the mother filed a 41(g) motion after the fact, which the  
3 Court concluded that it should be dismissed because they had an  
4 adequate remedy under the law, and in that case it was the  
5 criminal forfeiture procedures that she could avail herself of.

6 But what I think is important to note from that case,  
7 Your Honor, is that the Court said that the mother in that case  
8 must first be required to establish that they have a claim  
9 under the procedures that are already in place in that criminal  
10 proceeding and, likewise, the mother was alleging violations of  
11 18 U.S.C. 983, which only apply to administrative forfeiture.  
12 The same argument is being made here, that in some way  
13 proceeding judicially violates statute, which it does not. Due  
14 process arguments were made, and the court there said you have  
15 to follow the rules first and establish you have a claim under  
16 the processes that are already before you.

17 And finally, Your Honor, again, we welcome the claims, but  
18 we feel the Court at this point, where there is a civil  
19 forfeiture proceeding in place, should require the petitioners  
20 to follow the same process that everybody else will have to  
21 follow.

22 And, in closing, I would note imagine the outcome if the  
23 petitions were granted and some special rule was created just  
24 for these petitioners. Meanwhile, these petitioners will tell  
25 you likewise that the wires that were sent were sent to

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1 third-party beneficiaries. Those individuals or parties or  
2 corporations have a right to be heard by the Court, too, and  
3 the Government intends to serve every one of them that it can  
4 locate no matter where they are located in the world. And that  
5 will be a huge undertaking, but we're going to do it.

6 If we allow this petition to go forward, in the unlikely  
7 event that funds were returned to these petitioners without  
8 giving an opportunity to the other parties, that certainly is  
9 not an injustice that is contemplated in any case where a  
10 Rule 41(g) motion is granted. But what is the more likely  
11 outcome, Your Honor, and we urge the Court to follow, is the  
12 precedent before the Court, which is everyone will have their  
13 day in court, follow the rules established by Congress, if the  
14 Government did something wrong the Court can conclude that in  
15 those proceedings, but not today, not in Detroit, and not  
16 elsewhere.

17 Thank you, Your Honor.

18 **THE COURT:** All right. Thank you.

19 Do you wish to reply?

20 **MS. CASTANEDA:** I do, Your Honor. I'd like to  
21 briefly touch on *Shaw v. United States*. I think there may have  
22 been a misstatement of what that case actually holds.

23 This case and the petitions before the Court hinge on  
24 notice. Notice is required by procedure. In *Shaw v.*  
25 *United States*, the Court cites *Floyd*, and it says:

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1            "In this case the Government indicated in an  
2            affidavit that it intended to file a civil forfeiture  
3            action against Floyd but did not formally do so until  
4            after the District Court held a hearing on Floyd's  
5            41(c) motion. Because notice was not published until  
6            after the 41(c) hearing, Floyd could not have availed  
7            himself of the appropriate legal remedies. Section  
8            1607 requires that the Government publish a notice of  
9            intent to seize property. Only after receiving that  
10          notice is the plaintiff required to follow the  
11          statutory procedures."

12          And that is exactly what we have here, Your Honor. No  
13          notice has been provided until this morning -- this afternoon  
14          when I was provided with a copy of what I believe is probably  
15          the complaint. The arrest warrant was filed yesterday, and  
16          this wasn't until the very first petition filed July 20th was  
17          filed with this Court. We shouldn't have to file 41(g)  
18          petitions to make the United States Government do their job,  
19          and that's what we have had to do.

20          So this case is perfectly ripe for this Court to hear  
21          under 41(g) because, while the Government is initiating a civil  
22          action, it hasn't done so properly, and it's done it late, and  
23          it's done it over 300 days after it first seized its first  
24          wire, and that's in contradiction to DOJ policy as well as IRS  
25          policy. We shouldn't have to come to Michigan and file

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1 petitions to tell the Government where is our money, please  
2 tell us what's going on, and then the Government turn around  
3 and say, well, you need to come over here in this lane, in this  
4 civil asset forfeiture, and we'll file those proceedings when  
5 we feel like it, which is exactly what has happened: Under  
6 seal, amended twice, and then an arrest warrant filed  
7 yesterday. That is not how due process should occur in the  
8 United States.

9 Thank you.

10           **THE COURT:** Okay. Anything else? Do you want to --  
11 do you have any separate arguments relative to the other cases?

12           **MS. CASTANEDA:** Nothing, Your Honor. They all  
13 overlap. And, as I mentioned, venue was an issue. I didn't  
14 hear the United States Government touch on venue their reply.

15           **THE COURT:** Okay. Do you want to touch on venue?

16           **MR. JUNCAJ:** Well, Your Honor, I would just note  
17 again that venue is discussed in the civil forfeiture case  
18 pending before it, and we would submit that there is venue,  
19 which is why we filed the case, which is why I think seizure  
20 warrants for this district were authorized. Seizure warrants  
21 are permissible to be executed anywhere in the country even  
22 though they are issued here in the United States District  
23 Court.

24           When Ms. Castaneda has an opportunity, she needs to read  
25 that civil complaint that has been on the docket for over a

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1 month. It will indicate what our basis for venue is there,  
2 namely that Perfect Frame, Advotis and other entities are part  
3 of a conspiracy that we term a shadow exchange that have  
4 previously sent money to this district that have been utilized  
5 by an international drug-trafficking organization that is  
6 charged in this district, and that with those facts and other  
7 things stated in that complaint they will have their day in  
8 court to argue that venue is improper.

9       But, again, we just urge the Court to follow Supreme Court  
10 precedent -- I'm sorry -- Sixth Circuit precedent and all of  
11 the other circuits that agree that in the face of civil  
12 forfeiture proceedings that's the way that we must proceed, and  
13 we welcome those further pleadings in a claim filed under  
14 penalty of perjury so we can start that process.

15       Thank you, Your Honor.

16           **THE COURT:** Okay. All right. Then if you don't have  
17 anything else, I'll give you a written order. All right?

18           **MS. CASTANEDA:** Thank you, Your Honor.

19           **THE COURT:** Okay. All right.

20           **MR. JUNCAJ:** Thank you, Your Honor.

21           **THE COURT:** Thank you very much for your arguments,  
22 and court is in recess.

23           (Proceedings concluded at 2:59 p.m.)

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C E R T I F I C A T I O N

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I certify that the foregoing is a correct transcription of  
the record of proceedings in the above-entitled matter.

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s/ Sheri K. Ward  
Sheri K. Ward  
Official Court Reporter

11/2/2021  
Date

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